

Message

From: Casso, Ruben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E33DF0ABBBF049959E9100E556C7E634-CASSO, RUBEN]
Sent: 12/30/2020 12:58:28 PM
To: Thompson, Steve [thompson.steve@epa.gov]
Subject: FYI: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

The NM AG filed a state lawsuit regarding a Sterigenics sterilizer facility in Santa Teresa, NM. See info below.

From: Koerber, Mike <Koerber.Mike@epa.gov>
Sent: Tuesday, December 29, 2020 1:04 PM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>; Millett, John <Millett.John@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Harlow, David <harlow.david@epa.gov>; Garcia, David <Garcia.David@epa.gov>; Verhalen, Frances <verhalen.frances@epa.gov>; Casso, Ruben <Casso.Ruben@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>
Subject: RE: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

(b)(5) Deliberative

Mike

From: Noonan, Jenny <Noonan.Jenny@epa.gov>
Sent: Tuesday, December 22, 2020 4:18 PM
To: Millett, John <Millett.John@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>
Subject: FW: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

FYI

From: Casso, Ruben <Casso.Ruben@epa.gov>
Sent: Tuesday, December 22, 2020 3:54 PM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>
Subject: FW: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

Heads up Jenny!

From: Casso, Ruben

Sent: Tuesday, December 22, 2020 2:48 PM

To: Davis, Alison <Davis.Alison@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Verhalen, Frances <verhalen.frances@epa.gov>

Subject: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

<https://news.bloomberglaw.com/environment-and-energy/sterigenics-sued-over-ethylene-oxide-releases-in-new-mexico>

Environment & Energy Report

Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

Dec. 22, 2020, 2:39 PM

- **COURT:** N.M. Dist. Ct.
- **TRACK DOCKET:** No. D-307-CV-2020-02629

Sotera Health Co. and related companies are illegally releasing excess amounts of ethylene oxide from a plant in New Mexico that puts nearby residents at risk, the state says in a lawsuit filed Tuesday.

Ethylene oxide is a toxic gas used to sterilize medical equipment. The gas is known to cause cancer, including lymphoma, leukemia, and breast cancer.

Ethylene oxide released by Sotera Health from its plant in Santa Teresa, N.M., has significantly deteriorated air quality in the surrounding communities, and has contributed to increased health risks, according to the complaint filed in the New Mexico Third Judicial District Court.

Sterigenics U.S. LLC operates the plant, which is currently owned by Sotera Holdings. Sotera Health Co. is the parent company of the other defendants.

The companies reported releasing ethylene oxide from its plant through controlled sources, such as sterilizer vacuum pumps and acid-water scrubbers. But they have also caused uncontrolled releases due to the lax oversight of sterilization operations, the lawsuit says.

A 2014 National Air Toxics Assessment released by the Environmental Protection Agency found residents in the area likely suffering the most exposure to the gas have a cancer risk in excess of the national average, according to the complaint.

Sterigenics is facing another lawsuit over the gas filed by a group representing warehouse workers in Georgia. The company announced in 2019 it would permanently close its Willowbrook, Ill., plant following a dispute with residents and state lawmakers over ethylene oxide emissions.

Causes of Action: Public nuisance, strict liability; negligence; New Mexico Unfair Practices Act.

Relief: Declaratory and injunctive relief; punitive damages; civil penalties; attorneys' fees and costs.

Response: Sotera Health hasn't immediately responded to a request for comment.

Attorneys: The New Mexico Attorney General's Office represents the state.

The case is New Mexico v. Sterigenics U.S. LLC, N.M. Dist. Ct., No. D-307-CV-2020-02629, 12/22/20.

To contact the reporter on this story: Maya Earls in Washington at mearls@bloomberglaw.com

To contact the editor responsible for this story: Rob Tricchinelli at rtricchinelli@bloomberglaw.com